



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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**REMINDER THAT ALL NEW, NONEXEMPT SPANISH LANGUAGE VIDEO  
PROGRAMMING MUST BE CLOSED CAPTIONED BEGINNING JANUARY 1, 2010;  
CAPTIONING REQUIREMENTS FOR PRE-RULE PROGRAMMING WILL INCREASE AS  
OF JANUARY 1, 2012**

This *Public Notice* is to remind the public and video programming distributors – including broadcasters, cable operators, and satellite television services<sup>1</sup> – of the upcoming closed captioning benchmarks for nonexempt Spanish language video programming, both digital and analog:

- Effective January 1, 2010, 100% of *new* nonexempt Spanish language programming must be closed captioned.<sup>2</sup>
- Beginning January 1, 2012, 75% of *pre-rule* nonexempt Spanish language programming must be closed captioned per channel per quarter.<sup>3</sup>

These closed captioning benchmarks and rules were established to ensure that video programming is accessible to persons who are deaf or hard of hearing in accordance with section 713 of the Telecommunications Act of 1996.<sup>4</sup> To view the FCC's Factsheet summarizing all of the Commission's closed captioning rules and benchmarks, go to <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>.

<sup>1</sup> "Video programming distributor" is defined as (1) any television broadcast station licensed by the Commission; (2) any multichannel video programming distributor (MVPD) as defined in Section 76.1000(e); and (3) any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. 47 C.F.R. § 79.1(a)(2). An MVPD is "an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming. Such entities include, but are not limited to, cable operators, BRS/EBS providers, direct broadcast satellite service, television receive-only satellite program distributors, and satellite master antenna television system operators, as well as buying groups or agents of all such entities." 47 C.F.R. § 76.1000(e).

<sup>2</sup> See 47 C.F.R. § 79.1(b)(3)(iv). "New" analog programming is analog video programming that is first published or exhibited on or after January 1, 1998. New digital programming is digital video programming that is first published or exhibited on or after July 1, 2002. See 47 C.F.R. § 79.1(a)(5)(i) and (ii).

<sup>3</sup> See 47 C.F.R. § 79.1(b)(4)(i). This requirement became effective January 1, 2005. Pre-rule analog programming is analog video programming that was first published or exhibited before January 1, 1998; pre-rule digital programming is digital video programming first published or exhibited before July 1, 2002. See 47 C.F.R. § 79.1(a)(6)(i) and (ii). Currently, only 30% of pre-rule non exempt Spanish language programming must be closed captioned

<sup>4</sup> See Pub. L. 104-104, 110 Stat 56 (1996); 47 U.S.C. § 613.

Consumers are urged to file a complaint if they notice a lack of captioned television programming. For information on how to file a closed captioning complaint please go to <http://esupport.fcc.gov/complaints.htm> or contact the FCC's Consumer Center at [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), 1-888-CALL-FCC (1-888-225-5322), TTY: 1-888-Tell-FCC (1-888-835-5322), or Fax: 1-866-418-0232.

As a further reminder, we note that the closed captioning requirements described above are separate from video programming distributors' obligations to make emergency information accessible to persons with hearing and vision disabilities, as described in 47 C.F.R. § 79.2 of the Commissions rules.<sup>5</sup> The provisions of 47 C.F.R. § 79.2 apply to all video programming distributors,<sup>6</sup> and there are no exemptions to the obligations contained in section 79.2.

The full texts of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C., 20554. Copies may be purchased by contacting the FCC's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington D.C. 20554, telephone 1-800-378-3160, facsimile 202-488-5563, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

To request this *Public Notice* or the rule in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/caption.html>.

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<sup>5</sup> See 47 C.F.R. § 79.2.

<sup>6</sup> *Id.*